FEDERAL ELECTION COMMISSION

RECEIVED FEDERAL ELECTION COMMISSION OFFICE OF GENERAL COUNSEL

2006 DEC -7 P 12: 13

Matthew Miller, Treasurer Lewis for Senate, Inc., 416 Holland Ave Morgantown, WV 26501

Complaintant,

MUR # <u>5888</u>

٧.

John Reeves Raese, James M. Troy, and the Raese for Senate Committee

Respondent.

COMPLAINT

PRELIMINARY STATEMENT

This is a complaint brought pursuant to the Federal Election Campaign Act, "The Act," for enforcement of campaign finance laws on the individual candidate, John Reeves Raese, the committee known as "Raese for Senate," and the committee's Treasurer, James M. Troy. The campaign committee of Hiram Lewis known as Lewis for Senate, Inc., was irreparably harmed by the knowingly and willful disregard of campaign finance laws by the candidate, John Reeves Raese, his treasurer, James M. Troy, and the committee known as "Raese for Senate." The complaintant alleges that John Reeves Raese and/or James M. Troy failed to report the intent to spend personal funds in excess of the threshold triggering the Millionaire's Amendment on the original statement of candidacy;

proceeded to spend personal funds in excess of the threshold prior to the primary election; failed to properly report the spending of personal funds to the FEC and opposing candidates, and failed to properly notify opposing candidates and the FEC of the triggering of the Millionaire's Amendment prior to the primary election. The overall impact of the violations of the "Act" culminated in subverting the "Act," and more specifically, the Millionaire's Amendment, all together and causing irreparable harm to opposing candidates.

II.

VIOLATIONS OF THE "ACT"

- 1. John Reeves Raese, James M. Troy, and/or Raese for Senate failed to report the intent to spend personal funds in excess of the threshold. (See Exhibit 1: John Reeves Raese Statement of Candidacy filed on 06 February 2006. Section 9A. Declaration of Intent to Expend Personal Funds reported as "0.00" for both the Primary and General Elections.)
- 2. On January 31, 2006, John Reeves Raese loaned the committee \$35,000. (See Exhibit 2: June 15, 2006, Letter from James M. Troy.)
- 3. On March 14, 2006, John Reeves Raese created a \$400,000 Line Of Credit with Huntington Banks secured by "STOCK IN CERTAIN NON-PUBLICLY TRADED COMPANIES." (See Exhibit 3: Page 24-26 of Raese for Senate 12-Day Pre-Primary Report showing the creation of a line of credit for \$400,000 on March 14, 2006, and three draws on April 27, 2006, of \$30,000, \$200,000, and \$70,000, respectively. See also

Exhibit 4: Page 29 of the Raese for Senate July Quarterly Report showing a \$400,000 Line of Credit created on March 14, 2006.)

- 4. According to the FEC, the Millionaire's Amendment threshold for West Virginia is \$414,720.
- 5. Thus, on March 14, 2006, John Reeves Raese expended personal funds in excess of the threshold (\$35,000 + \$400,000 = \$435,000).
- 6. The "Raese for Senate" committee filed its first FEC FORM 10 on May 3, 2006, fifty days after spending personal funds in excess of the threshold. (See Exhibit 5: FEC FORM 10 filed May 3, 2006, and reporting three expenditures of personal funds in the amount of \$70,000, \$100,000, and \$80,000, respectively.)
- 7. John Reeves Raesc, James M. Troy, and the Raese for Senate Committee failed to provide timely notice of the expenditure of personal funds in excess of the threshold. The public record did not reflect the triggering of the Millionaire's Amendment until the final days of the Primary election. The Raese for Senate April Quarterly Report reflected only \$125,000 in personal loans to the campaign even though the Millionaire's Amendment was triggered during the filing period. (See Exhibit 6: Page 3 of Raese for Senate April Quarterly Report showing loans made or guaranteed by the candidate of \$125,000) The earliest notice of John Reeves Raese's triggering of the Millionaire's Amendment would have been the day the 12-Day Pre-Primary Report was posted on the FEC website. The Report was stamped received by the Secretary of the Senate on the 27th.

day of April, 2006. Generally, the reports are not posted on the FEC website for at least a week following receipt by the Secretary of the Senate.

- 8. John Reeves Raese, James M. Troy, and the Raese for Senate campaign failed to timely notice Hiram Lewis, Matt Miller, or Lewis for Senate, Inc., of the triggering of the Millionaire's Amendment.
- 9. In fact, John Reeves Raese, James M. Troy, and the Raese for Senate Committee knowingly and willfully conspired to usurp the "Act" by failing to timely file notice of intent to expend funds in excess of the threshold. John Reeves Raese, James M. Troy, and the Raese for Senate Committee first reported the triggering of the Amendment more than a month after the Amendment was triggered and with only a week or two left before the primary election. Obviously, John Reeves Raese, James M. Troy, and/or the Raese for Senate Committee knew or should have known of the intent to spend personal funds at the time the funds were expended or the line of credit was established. However, the Raese for Senate Committee did not amend the original Statement of Candidacy until April 24, 2006. The Amended Statement of Candidacy filed on April 24, 2006, changed Line 9A, Declaration of Intent to Expend Personal Funds In Excess of the Threshold for the Primary Election from "0.00" to "\$250,000." (See Exhibit 7: Amended Statement of Candidacy, April 24, 2006.)
- 10. At the time, the Lewis campaign had more than thirty donors that gave the \$2,100 maximum contribution. With proper notice, the campaign could have solicited

three times the contribution limit of \$6,300 from each individual contributor, or \$126,000. John Reeves Raese's, James M. Troy's, and the Raese for Senate Committee's failure to abide by the "Act" cost the Lewis campaign the opportunity to raise more than \$100,000 from proven donors.

WHEREFORE, the Complainant requests that the appropriate criminal and civil enforcement actions be taken against John Reeves Raese, James M. Troy, and the Raese for Senate Committee.

RESPECTFULLY SUBMITTED

Matthew Miller, Treasurer

Lewis for Senate, Inc.

416 Holland Ave

Morgantown, WV 26501

(304) 692-1236

I, ______, a Notary Public in the State of West Virginia, do hereby acknowledge that Matthew Miller did personally appear before me on this the 6th day of December, 2006.

Subscribed and sworn to before me on this the 6th day of December, 2006.

Notary Public

My Commission Expires on 7 elr. 11, 2014

John Reeves Raese's
Statement of Candidacy filed on
06 February 2006.
Section 9A Declaration of Intent to
Expend Personal Funds reported as
"0.00" for both the Primary and General
Elections.

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FEC FORM 2				SECRETARY (OF THE SENATE
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Morgantown WV 26508	5 Office Salight	l i	rict of Candidata	'	
Republican	US Senate		irginia		
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NOTE This designation should be	led with the appropriate office listed	in the Indiructions.	•		
(a) Hame of Commiltee (in Ref)					
raese for senat	R COMMITTEE				
(b) Address (number and street)	•				
P.O. BOX 262					
(c) City State, prod ZiP Code					
Morganiown wy	2650,7-0262				
OE	SIGNATION OF OTHER	UTHORIZED	COMMITTE	ES	
	(Including Jami Funda	,			
8. I hereby authorize the following and	ned committee, which is NOT my pri	ucipal caudinidu co	menjitea, to recev	wa sand expand fun	ds on behalf of my
candidady.					
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June 15, 2006, Letter from James M. Troy

SECRETARY OF THE SENATE

RAESE FOR SENATE P. O. BOX 262 06 JUN 20 PH 3 19 RGANTOWN, WV 26507-0262

MI 15 A 11: 42

304-594-0468

June 15, 2006

Ms. Robin Kelly FEDERAL BLECTION COMMISSION 999 E Street, NW Washington, DC 20463:

FEC Form 3. Schedule C

Reporting Period.

First Quarter 2006

Committee No.:

CD0182089

Senate Candidate.

John Reeves Raeso

Candidate No.:

S4WV00084

Dear Ms. Kelly:

Please be advised that the two candidate loans reported on the attached Schedule Cs (FEC Form 3) copied from the above referenced report, and summarized below, were both from the candidate's personal funds and were not borrowed by him from another source:

<u>Date</u>

<u>Amount</u>

January 31, 2006 \$35,000.00

March 24, 2006 \$90,000.00

Please let me know if you need additional information.

Sincerely,

James M. Troy

Treasurer

26020370346

Attachments

Pages 24-26 of Raese for Senate 12-Day Pre-Primary Report showing the creation of a line of credit for \$400,000 on March 14, 2006, and three draws on April 27, 2006, of \$30,000, \$200,000, and \$70,000, respectively.

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SCHEDULE C-1 LOANS AND LINES OF CREDIT FROM LE	NDING INSTITUTIONS	Supplementary for Intermetion lotted on Page 24/52 of Schedule C
Federal Election Commission, Washington, D.C. 20483 Name of Committee (in Full)		FEC IDENTIFICATION NUMBER
waine or Continue e fin Lind.		
RAESE FOR SENATE	Back Ref ID: SC001	C00182089
LENDING INSTITUTION (LENDER)	Amount of Loan	Interest Rate (APR)
FUR NUMB THE HUNTINGTON NATIONAL BANK	40000	0000
Mañag Addres 201 MGH STREET	Date incurred or Established	03 14 2006
City State Zip Code MORGANTOWN WV 28505	Dette Due	3/14/2007
A. Has loan been restaustured? X No. Yes	If yes, date originally incurred :	
S. Il line of cradit,	Total	
Amount of this Draw. 30000 E	Outstanding Delance	30000.00
C. Are other parties accondarily fiable for the debt:incurred? X No	at he reported on Sch. Ct	
E Are any future contributions or future receipts of interest in collected for the loan? A depository account must be established pursuant to 11 CFR 100.82 and 100.142.	ncome, placiped at	Ocea the lender have a perfected saturity manust in it? No Yes What is the estimated value?
F. It neither of the types of collected described above was pine loan amount, state the basis upon which this loan was	City. State, Zip. Iticiped for this lean, or if the amount as made and the besis on which it as	pledged doas not equal or exceed dures repayment.
G COMMITTEE TREASURER		DATE
Typed Name JAMES TROY Signature		04 27 2008
H. Attach a signed copy of the lown agreement.		
I. TO BE SIGNED BY THE LENDING INSTITUTION: I. To the best of this incillution's knowledge, the terms of are accurate as stated above. II. The lean was made on ferms and conditions fincilizing similar extensions of credit to other borrowers of compill. This institution is swere of the requirement that a loan with the requirements set forth at 11 CFR 100 92 and	g marast rata) no mora (avotable al parable cradil worthiness. I must be made on a bassa which as	the time than those imposed for
AUTHORIZED REPRESENTATIVE		OATE
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OANS AND LINES OF CREDIT FROM LE redeval Election Commission, Washington, D.C. 20453 Name of Commission (in Full)			Page 25 / 52 of Schedule C
Name of Committee (in Full)			
		FEC	IDENTIFICATION NUMBER
RAESE FOR SENATE			C00182089
LENDING INSTITUTION (LENDER)	Pack Ret ID: SC002 Amount of Lean		Injeresi Rata (APR)
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Mailing Address 201 MISH STREET	Dete Incurred or Establis	shed 03	14 2006
City Size Zip Code MORGANTOWN WY 28605	Date Due	3/14/20	007
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E. If line of credit, Amount of this Draw 200000.	Total Outstand balance:	- 1	230000.00
C. Are other parties secondarily liable for the debt incurred. XI No Yes (Endorsers and guaranters in			
No X Yes if yes, specify: STOCK IN CERTAIN NON-PUBLICLY TRADED COMI E. Are any future contributions or future receipts of interest colleges for the loan? X No Yes If yes, A depository account must be established pursuant to 11 CFR 100.82 and 100 142.	Income, pledged as	interest in it	nder have a perfected accurity Polytes stim and value? 0.00
Oate account established:	Address.		
F. If neither of the types of colleteral described above was	City, State, Zip	smount clarinas de	at an an alor areas
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G, COMMITTEE TREASURER Typed Name Signature		DATE 04	27 2006
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Page 29 of the Raese for Senate July Quarterly Report showing a \$400,000 Line of Credit created on March 14, 2006.

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SCHEDULE C-1 LOANS AND LINES C Fateral Election Commission, 1		LENDING	INSTITUTIONS	S	Supplements Information 1 Page 29/10	
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Mailing Address 20) HIGH STREET		Dalle Inc.	ured or Established	03	14	290a
MORGANTOWN	Stere Zip Code WV 26505	Cate Cue		9/14/20	207	
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AUTHORIZED REPRESENTAT				DATE		
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FEC FORM 10 Filed on May 3, 2006, and reporting three expenditures of personal funds in the amount of \$70,000, \$100,000, and \$80,000, respectively.



Page	oí
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FEC FORM 10

24-HOUR NOTICE OF EXPENDITURE FROM CANDIDATE'S PERSONAL FUNDS (11 CFR 400.21 and 400.22) [Millionaires' Amendment)

1. Name of Candidate	2. Office Sought	3. State 4. Dis	enet 5. Candid	te ID Number
John Reeves Raese U	S Senste	MA	: S. 4. W. V	00084
8. Name of Principal Campaign Com	rillae			lee ID Number
RAESE FOR SENATE			C 0 0 1	82089
B. Address			4.5315	
P.O. BOX 262				
9. City, State and ZIP Code				
MORGANTOWN WV 26507-	0262			
10. Expenditures of Personal Fund	e (If the candidate has made exp	enditures for dillere	n elections, submit a sep	arate Form 10 for
each election.) Aggregate Expe	rditures Previously Reported Duri	ing the Election Cyc		
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13. 45 Hour Notice of Lest-Minute (Contributions .		this filing satisfies Form i trements (see Instructions	
b) Name of Employer.		c) Occupation		
TYPE OR PRINT NAME OF COMMITTEE TRI	EASURER			
James M. Troy, Treasu	er			
GIOMATURE OF COMMITTEE TREASURER		-	DATE	
June 19 - 1 mg	Treasu	rer	5/3/2006	<u>:</u>
	For further information contact: Federal Election Commission, 698 E Street.		3	
	Toll Free 200-424-8530, Local 202-694-11	100		PEO Porm 10 Garzege

Page 3 of the Raese for Senate April Quarterly Report showing loans made or guaranteed by the candidate of \$125,000

DETAILED SUMMARY PAGE of Receipts

Write of Type Committee Name Raese for Senate	:			
Report Comoring the Period: From:	01 2006	To 103 131 2006		
I. RECEIPTS	COLLIMIN A Total Thus Period	COLUMN B Election Gycloto-Date		
1. CONTRIBUTIONS (criter than loans) FRI	ON.			
(a) Individuals/Persons Other Than Political Committees (i) Itemized (use Schedule A)	garage was a second of the second	113500.00		
(ii) Unitemized(iii) TOTAL of community from Individuals	114840.00	1440 0D 114940 00		
(a) Political Party Committees	24500.00	0.00 24500.0D		
(d) The Candidate	139440.00	139440.00		
2. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES		0.00		
(a) Made or Gueranteed by the Candidate	125000.00	125000.00 		
(c) TOTAL LOANS (add Lines 13(a) and (b))	125000.00	125000.00		
A. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebalds, etc.)	0.00	0.06		
15. OTHER RECEIPTS [Dividends, Interest, etc.)		0.00		
16. TOTAL RECEIPTS add Lines 11(4), 12, 13(5), 14, and 15) (Carry Total to Line 24, page 4)	264440.00	264440.00		

Amended Statement of Candidacy, April 24, 2006.

26026310154

SECRETARY	OF	T4F	ŠFN	aT:
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FEC FORM 2 STATEMENT OF CAND	NDACY .			06 ATR 2	5 円 1: 17
1. (a) Name of Canadala (in i.d.) John Reeves Raes					
(b) Address (dumber and street)	CI Check if address the	anged	Z tonegodica	n Marder VOCO84	· · · · · · · · · · · · · · · · · · ·
(c) City Shelp, and ZIP Code			3. le This Bistemen	Most on	R Amended
A. Party Athletica	5. Office Sought		ict er Candidajo		
Republican	US Senate' ESIGNATION OF PRINC		Virginia COMMET	TE	
7. I heraby designate Sie fotowing na		noipel Compaign Comm	Miles for the		octon(a)
jaj Haras of Committee (in full)					<u> </u>
(t) Address (number and street)				~	
(D) City, State, and ZIP Code		——————————————————————————————————————	····		
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(a) Naran of Garmilloo (in i.4)					
(a) City, State, and ZIP Cope					
DECLARATION 9. I Intend jo expend personal funds	OF INTENT TO EXPEND		MDS (House	or Senate	Ordý)
•	2.5	0 0 0 0 0	for the prime	ry election, and	
d man do hal Pelakita assument account	SIS Secret funds expended by firespot	0.0-0	SOF ONE BENCH		
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Signature of Canadidate	ne Baise		Dune	4/2006	
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